

CASE PROCESSING STANDARDS ANALYSIS

FAMILY LAW – PRE-DECREE TEMPORARY ORDERS

National Center for State Courts Intermediate Time Standards for Temporary Orders:

98% within 60 days

Measurement: The filing a verified motion for temporary orders with the court to the date of disposition by entry of temporary orders.

Arizona Family Law – Pre-decree Temporary Orders

The following standards have been adopted for Family Law Pre-decree Temporary Orders:

90% within 60 days

98% within 120 days

✓ Only pre-decree temporary orders are included.

Measurement: The date the motion for temporary order is filed to the date of disposition by entry of a temporary order.

Excluded Time: No excluded time.

Arizona Rules and Statutes	Timelines under Statute and Rule
Motion Filed: Rule 47(A), ARFLP ¹ (Temporary Orders With Notice)	<p style="text-align: center;">(Measurement Starts Here)</p> <p><u>With Notice:</u> A party seeking temporary orders under ARS §§ 25-315, 25-324, 25-404, 25-407, 25-408, 25-409, 25-817 or 25-905 shall do so by filing a separate verified motion with the court setting forth the legal and jurisdictional basis for the motion and the specific relief requested. The motion shall be filed after or concurrently with the initial petition, shall incorporate the relevant allegations of a filed petition by reference and not separately repeat them.</p> <p><u>Without Notice - Motion:</u> A party seeking a temporary order without notice shall do so by filing a motion, verified or supported by affidavit, together with a proposed form of order, and a notice of hearing on the motion.</p> <p><u>Without Notice - Order:</u> A temporary order granted without notice shall define the injury, loss, or damage and state why it is irreparable, and shall state why the order was granted without notice. Such order shall expire by its terms at the date and time set for hearing on the motion for temporary orders without notice unless extended by the court for good cause shown.</p> <p><u>Without Notice - Hearing:</u> A hearing shall be set on the motion for temporary orders without notice within 10 days from the entry of the order, unless extended by the court for good cause shown.</p> <p><u>Without Notice - Service:</u> The order and notice of hearing shall be</p>
Rule 48(A), ARFLP (Temporary Orders Without Notice)	

¹ Arizona Rules of Family Law Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
	served upon the other party as soon as possible after issuance of the order or as otherwise ordered by the court. Nothing herein shall prevent the party against whom a temporary order without notice has been issued from requesting an earlier hearing upon reasonable notice as directed by the court.
Order to Appear: Rule 47(C), ARFLP (Temporary Orders With Notice)	Unless a different procedure is established by local rule, the moving party shall submit to the assigned judicial officer the original and 3 copies of an order substantially similar to Form 13, Order To Appear, 3 copies of the Motion, and 3 copies of the financial documents required by paragraph A. The clerk of the court shall file the original Order to Appear when signed by the assigned judicial officer.
Hearing: Rule 47(D), ARFLP (Temporary Orders With Notice)	<p>Upon receiving a Motion for Temporary Orders and documents required by paragraph C, the court shall schedule a pretrial conference, a Resolution Management Conference pursuant to Rule 76(A), or an evidentiary hearing, which shall be set not later than 30 days after receiving the motion. In the event the court holds a pretrial conference or Resolution Management Conference at which all issues are not resolved, the court shall then set an evidentiary hearing not later than 30 days thereafter to resolve the remaining issues, unless the parties agree to a different timeframe or procedure. The court shall not resolve disputed issues of fact at a pretrial conference or Resolution Management Conference absent agreement of the parties. The court for good cause shown may extend the timeframes set forth in this subdivision.</p> <p>Notwithstanding the provisions of subdivision D(1), if a party to a legal decision-making or parenting time action files a motion for temporary orders in any pre-decree matter, the court shall hold an evidentiary hearing within 60 days after the party files the motion unless: (1) the filing party waives the requirement for a hearing to be conducted within sixty days after the party files the motion, (2) temporary orders are established through a separate conference or hearing within 60 days after the party files the motion, or (3) extraordinary circumstances exist and the court is not able to schedule the hearing. If the court is not able to schedule the hearing within 60 days after the motion is filed, it must make a written finding on the record as to the cause of the delay.</p>
Service of Process: Rule 47(E), ARFLP (Temporary Orders With Notice)	The moving party shall serve all parties with the required documents indicated in paragraph C in accordance with the service requirements of these rules. Service shall be completed at least 10 judicial days prior to the date of the scheduled conference or hearing on the motion unless otherwise ordered by the court.
Response: Rule 47(F), ARFLP (Temporary Orders With Notice)	Any party served with an Order To Appear on a Motion For Temporary Orders shall not be required to file a formal response to the Motion For Temporary Orders but shall fully comply with the requirements of paragraph G, and if the motion requests child support, shall likewise file a

Arizona Rules and Statutes	Timelines under Statute and Rule
	<p>completed Child Support Worksheet, copies of which shall be provided to the assigned judicial officer, the opposing party's attorney or, if unrepresented, to the opposing party not later than 3 days prior to the time set for hearing. A party filing a formal response to the Motion for Temporary Orders shall verify the response.</p>
<p>Simplified Child Support Order: Rule 47(I), ARFLP (Temporary Orders With Notice)</p>	<p>Unless otherwise provided by local rule, a party seeking a temporary child support order under ARS §§ 25-315 or 25-817 may request a simplified order by filing with the court a verified Motion for Simplified Temporary Child Support Order, a completed Child Support Worksheet, a proposed Simplified Temporary Child Support Order, and a proposed Order of Assignment. The motion shall provide that the responding party is required to timely file a response, a completed Child Support Worksheet, and submit a proposed simplified Temporary Child Support Order and a proposed Order of Assignment, and if a hearing is requested, a notice of hearing, and that failure to do so may result in a Temporary Child Support Order being entered as requested by the moving party. Upon service of process, the other party shall have 20 days, if served in Arizona, or 30 days if served out of the State of Arizona, to file a response. If no response is filed, or if the response does not specifically contest the child support requested in the motion, the proposed Simplified Temporary Child Support Order and Order of Assignment shall be entered, without hearing, provided that the available information in support of the temporary order appears accurate and provides the court with adequate information to determine the amount of child support pursuant to the Arizona Child Support Guidelines. The entry of a Simplified Temporary Child Support Order does not prejudice the rights of the parties to have the issue finally determined at a subsequent hearing or trial.</p>
<p>Conference or Hearing: Rule 47(G), ARFLP (Temporary Orders With Notice)</p>	<p><u>Requirements Prior to Conference or Hearing:</u> The parties and counsel shall meet and confer (if there is a current court order prohibiting contact of the parties or a significant history of domestic violence between the parties, the parties shall not be required to personally meet or contact each other in violation of the court order, but the parties and their counsel shall take all steps reasonable under the circumstances to resolve as many issues as possible), comply with the disclosure requirements of Rule 49, and submit a Resolution Statement substantially similar to Form 4 or 5, as applicable, not less than 5 days prior to the date set for the pre-trial conference, Resolution Management Conference or evidentiary hearing. At least 3 judicial days prior to an evidentiary hearing, the parties shall exchange any exhibits to be offered at the hearing, and a list of the names, addresses and telephone numbers of all witnesses who may testify.</p> <p><u>Attendance:</u> All parties and, if represented, counsel, must be present at any pretrial conference, Resolution Management Conference, or evidentiary hearing set by the court. If a party fails to appear, the court may impose sanctions provided by Rule 76(D).</p>
<p>Servicemembers</p>	

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>protections: Sec. 201 [50 U.S.C. App. 521]</p> <p>Sec. 202 [50 U.S.C. App. 522]</p> <p>Sec. 204 [50 U.S.C. App. 524]</p>	<p><u>Protection of servicemembers against default judgments:</u> This provision applies to any civil action or proceeding in which the defendant (respondent) does not make an appearance. The court must grant a stay of proceedings for a minimum period of 90 days upon application of counsel, or on the court's own motion, if the court determines that: 1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant (respondent), and 2) after due diligence, counsel has been unable to contact the defendant (respondent) or otherwise determine if a meritorious defense exists.</p> <p><u>Stay of proceedings when servicemember has notice:</u> This provision applies to any civil action or proceeding in which the plaintiff or defendant (respondent) at the time of filing is in the military or is within 90 days after termination of or release from military service and has received notice of the action or proceeding. The court may on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than 90 days, if conditions are met. Conditions include a letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear, as well as a letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter. The servicemember may also apply for an additional stay based on continuing material affect of military duty on the servicemember's ability to appear.</p> <p><u>Stay or vacation of execution of judgments, attachments, and garnishments:</u> If a servicemember, in the opinion of the court, is materially affected by reason of military service in complying with a court judgment or order, the court may on its own motion and shall, on application by the servicemember: (1) stay the execution of any judgment or order entered against servicemember; and (2) vacate or stay an attachment or garnishment of property, money, or debts in the possession of the servicemember or a third party, whether before or after judgment.</p> <p>(Measurement Stops When Temporary Order Entered)</p>